

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LARRY KEELE,

Plaintiff,

v.

CIRCUIT COURT OF DICKSON
COUNTY, TENNESSEE,

Defendant.

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No. 3:06mc0107
Judge Echols

O R D E R

On October 25, 2006, the plaintiff, who has three strikes under 28 U.S.C. § 1915(g), was directed to pay the full three hundred fifty dollar (\$350.00) filing fee within thirty (30) days of the date of entry of that Order, or his complaint would be dismissed, and the full filing fee would be assessed against him anyway. (Docket Entry No. 3). A review of the records shows that the plaintiff has failed to pay the filing fee. Nor has he sought an extension of time to do so.

The Clerk is directed to file the complaint. However, process shall not issue.

The plaintiff is herewith assessed the civil filing fee of three hundred fifty dollars (\$350.00). In re Alea, 286 F.3d 378, 382 (6th Cir. 2002). Pursuant to 28 U.S.C. §§ 1915(b)(1)(A) and (B), the custodian of the plaintiff's inmate trust fund account at the institution where he now resides is requested to submit to the Clerk of Court, as an initial payment, whichever is the greater of:

- (a) twenty percent (20%) of the average monthly deposits to the plaintiff's inmate trust fund account; or

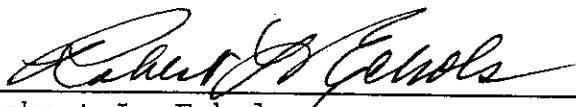
(b) twenty percent (20%) of the average monthly balance in the plaintiff's inmate trust fund account for the prior six (6) months.

Thereafter, the custodian is requested to submit twenty percent (20%) of the plaintiff's preceding monthly income, or income credited to the plaintiff's inmate trust account for the preceding month, but only when such monthly income exceeds ten dollars (\$10.00). Such payments are requested to continue until the filing fee of three hundred fifty dollars (\$350.00) has been paid in full to the Clerk of Court as prescribed by 28 U.S.C. § 1914(a). 28 U.S.C. § 1915(b) (2).

The Clerk is instructed to forward a copy of this Order to the Warden at the Texas Department of Criminal Justice, Wynne Unit in Huntsville, Texas for assistance in ensuring that the custodian of the plaintiff's inmate trust fund account complies with the portion of the Prison Litigation Reform Act pertaining to the payment of filing fees.

This action is DISMISSED for failure to comply with the Court's Order, and for want of prosecution. *In re Alea*, 286 F.3d at 382.

It is so ORDERED.



Robert L. Echols
United States District Judge